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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
09/456,270	12/07/99	KOKKO	2130 (FJ-99-1)

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EXAMINER

ALVO, M

ART UNIT	PAPER NUMBER
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1731

DATE MAILED: 03/26/01

Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner of Patents and Trademarks

Office Action Summary

Application No.
09/456,270

Applicant(s)
KOKKO

Examiner
Steve Alvo

Group Art Unit
1731



- ☐ Responsive to communication(s) filed on _____
- ☐ This action is **FINAL**.
- ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

A shortened statutory period for response to this action is set to expire ONE month(s), or thirty days, whichever is longer, from the mailing date of this communication. Failure to respond within the period for response will cause the application to become abandoned. (35 U.S.C. § 133). Extensions of time may be obtained under the provisions of 37 CFR 1.136(a).

Disposition of Claims

- ☒ Claim(s) 1-55 is/are pending in the application.
- Of the above, claim(s) _____ is/are withdrawn from consideration.
- ☐ Claim(s) _____ is/are allowed.
- ☐ Claim(s) _____ is/are rejected.
- ☐ Claim(s) _____ is/are objected to.
- ☒ Claims 1-55 are subject to restriction or election requirement.

Application Papers

- ☐ See the attached Notice of Draftsperson's Patent Drawing Review, PTO-948.
- ☐ The drawing(s) filed on _____ is/are objected to by the Examiner.
- ☐ The proposed drawing correction, filed on _____ is ☐ approved ☐ disapproved.
- ☐ The specification is objected to by the Examiner.
- ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. § 119

- ☐ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).
- ☐ All ☐ Some* ☐ None of the CERTIFIED copies of the priority documents have been
- ☐ received.
- ☐ received in Application No. (Series Code/Serial Number) _____.
- ☐ received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

*Certified copies not received: _____

- ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

Attachment(s)

- ☐ Notice of References Cited, PTO-892
- ☐ Information Disclosure Statement(s), PTO-1449, Paper No(s). _____
- ☐ Interview Summary, PTO-413
- ☐ Notice of Draftsperson's Patent Drawing Review, PTO-948
- ☐ Notice of Informal Patent Application, PTO-152

--- SEE OFFICE ACTION ON THE FOLLOWING PAGES ---

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Restriction to one of the following inventions is required under 35 U.S.C. 121:

I. Claims 1-20 and 31-35 drawn to a process for making an absorbent sheet from recycle fiber, classified in Class 162, subclass 4.

II. Claims 21-30 drawn to a process for forming and drying a paper product, classified in Class 162, subclass 206.

III. Claims 36-55 drawn to a process for forming a tissue paper, classified in Class 162, subclass 111.

The inventions are distinct and independent, each from the other because of the following reasons:

Group I does not require forming a tissue paper nor a consistency in the headbox nor greater than 0.9 nor the charge modifier as required by Group III nor the drying of Group II. Group II does not require a synergistic combination nor the tensile strength of 25 percent or 40 percent as required by Group I nor a consistency in the headbox not greater than 0.9 as required by Group III. Group III further does not require synergistic combination nor the tensile strength of 25 percent or 40 percent as required by Group I nor the preparing of the furnish as required by Group II.

Because these inventions are distinct and independent for the reasons given above and have required a separate status in the art as shown by their different classification restriction for examination purposes as indicated is proper.

Applicant is advised that the reply to this requirement to be complete must include an

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election of the invention to be examined even though the requirement be traversed (37 CFR 1.143).

In addition the following election of species requirement is made:

This application contains claims directed to the following patentably distinct species of the claimed invention with respect to the following species of "quaternary ammonium surfactants": imidazolinium compounds (e.g. claims 47, 27 and 32); alkyl(enyl)amidoethyl-alkyl(enyl)-imidazolinium (claims 27 and 32); hydroxyethylammonium salt (claim 27); hydroxymethylammonium salt (claim 27); dialkyldimethylammonium ammonium compound (claim 31); bis-dialkylamidoammonium compound (claim 31); dialkyldimethylimidazolinium compound (claim 31); a methyl sulphate (claim 32).

This application contains claims directed to the following patentably distinct species of the claimed invention with respect to the following species of "nonionic surfactants": alkoxylated fatty acids (e.g. claims 22 and 55); alkoxylated fatty alcohols (e.g. claim 22 and 55) polyalkoxy ester (claim 23); polyethylene glycol ester (e.g. claims 24 and 35); lauric acid (claims 25 and 26); palmitic (claim 25), oleic (claim 25), stearic (claim 25), myristic (claim 25), arachidic (claim 25), lignoceric (claim 25), palmitoleic (claim 25), linoleic (claim 25) and arachidonic (claim 25), reaction product of ethylene oxide (claim 34); .

Applicant is required under 35 U.S.C. 121 to elect a single disclosed sub-species for prosecution on the merits to which the claims shall be restricted if no generic claim is finally held to be allowable. Currently, claims 1-10 are generic.

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Applicant is advised that a response to this requirement must include an identification of the species that is elected consonant with this requirement, and a **listing of all claims** readable thereon, including any claims subsequently added. An argument that a claim is allowable or that all claims are generic is considered nonresponsive unless accompanied by an election.

Upon the allowance of a generic claim, applicant will be entitled to consideration of claims to additional species which are written in dependent form or otherwise include all the limitations of an allowed generic claim as provided by 37 CFR 1.141. If claims are added after the election, applicant must indicate which are readable upon the elected species. MPEP § 809.02(a).

Should applicant traverse on the ground that the species are not patentably distinct, applicant should submit evidence or identify such evidence now of record showing the species to be obvious variants or clearly admit on the record that this is the case. In either instance, if the examiner finds one of the inventions unpatentable over the prior art, the evidence or admission may be used in a rejection under 35 U.S.C. 103(a) of the other invention.

Applicant is advised that the response to this requirement to be complete must include an election of the species to be examined even though the requirement be traversed.

When filing an "Official" FAX in Group 1730, please indicate in the Header (upper right) "Official" for papers that are to be entered into the file. The "Official" FAX phone numbers for this TC 1700 are:

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Any inquiry concerning this communication or earlier communications from the **primary examiner** should be directed to **Steve Alvo** whose telephone number is **(703) 308-2048**. The Examiner can normally be reached on Monday - Friday from **6:00 AM - 2:30 PM (EST)**.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Mr. Stanley Silverman, can be reached on 703-308-3837.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the **Group receptionist** whose telephone number is **(703) 308-0661**.

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MSA
March 25, 2001



STEVE ALVO
PRIMARY EXAMINER
ART UNIT 1731